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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,483	12/12/2005	George Marmaropoulos	US030179US	3120
24737 7590 09/17/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER FISHMAN, MARINA	
			ART UNIT	PAPER NUMBER
			2832	
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			09/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/560,483

Applicant(s)

MARMAROPOULOS ET AL.

Examiner

Marina Fishman

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1- 8, 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 9-14, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***General status***

1. This is a Non-Final Action on the Merits for RCE. Claims 1 - 18 are pending in the case and are being examined.

### ***Specification***

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Thornton et al. [US 4,606,968].

Thornton et al. disclose a fabric switch comprising:

- a matrix of woven fibers [12, 14], the woven fibers being electrically non-conductive;
- a pair of conductive fibers [16, 18, column 4, lines 1-4] interwoven in the woven fibers so as to form an electrical circuit;
- wherein the conductive fibers come in contact electrically when the woven fibers are in relaxed mode and come apart when in a stretch mode (i.e. when the a force transverse to the fabric is applied to stretch the fabric, the electrical contact between conductive fibers 16 and 18 is broken, thereby breaking the electric circuit). Also, since the fibers are made from yarn, the fibers are resilient to enable the contact between the conductive fibers to be released and resumed repeatedly.

Regarding Claim 18, when the conductive fibers are in contact with each other, it is taken as a first mode (circuit is made), and when the conductive fibers are in stretched apart, it is taken as a second mode (the circuit is broken).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 – 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. [US 4,606,968].

Regarding Claim 10, Thornton et al. discloses fabric [column 2, lines 25 - 30], however does not disclose use of the fabric into a garment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fabric into a garment, to dissipate an electrostatic discharge. Regarding Claims 11-13, the fabric disclosed is meant for electrostatic discharge, and hence it is obvious to connect the leads to a ground power source, an electronic device, and transmit signal. Regarding Claim 14, Thornton et al. disclose the instant claimed invention except for use of fabric in furniture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the switch in a car seat fabric, so as to dissipate an electrostatic discharge. Regarding Claim 17, the method steps of providing fibers, mounting the fibers and selectively stretching the fibers is obvious to one of ordinary skill in the art to make or break the circuit.

***Allowable Subject Matter***

7. Claims 1-8, 15 and 16 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding Claims 1 and 15, the prior art of record does not teach or suggest combination of elements a fabric switch having at least two conductive cords releasably connected in series, a non-conductive cord enclosing the conductive cord and stretching the cords breaks the electrical connection between them and upon releasing the cords, the electrical connection is made.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

9. Applicant's arguments with respect to claims 9 -14, 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

In a response filed 7/31/07, the Applicant has declined to add additional section headings, as they are not required in accordance with MPEP. §608.01(a). The Examiner could not understand Applicant's refusal and would like to point out that MPEP 608.01(a) under the heading "Arrangement of Application", specifically states "(c) the text of the specification sections defined in paragraphs (b)(1) through (b)(12) of this section, if applicable, **should be preceded by a section heading** in uppercase and without underlining or bold type. The Examiner is of the opinion that this requirement is

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proper and hence the Applicant should comply with. The argument that requirement is "unduly limiting to the disclosure" is not found persuasive.


***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marina Fishman  
September 12, 2007

  
ELVIN ENAD  
SUPERVISORY PATENT EXAMINER  
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